

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GOSZTYLA,

Plaintiff,

No. 2:22-cv-01276-KJM-EFB (PC)

v.

AULD, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The United States Marshal has returned process directed to defendant Malle, who plaintiff alleges was employed as a doctor at Mule Creek State Prison. The unexecuted summons states that the California Department of Corrections and Rehabilitation is unable to identify an employee by that name. ECF No. 16.

Rule 4(m) of the Federal Rules of Civil Procedure requires that an action be dismissed as to a defendant not served within 90 days after filing the complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff wishes to pursue this action against defendant Malle, he must provide new information about how to locate defendant Malle for service of process, such as a first name, a physical description, or a timeframe within which Malle was employed at Mule Creek. If plaintiff's access to the required information is unreasonably denied or delayed, he may seek judicial intervention.

1 Accordingly, it is ORDERED that:

2 1. The Clerk of the Court shall send plaintiff one USM-285 form.

3 2. Within 30 days from the date this order is served, plaintiff must submit to the court

4 new instructions/identifying information for service of process on defendant Malle.

5 3. Failure to comply with this order or to show good cause for such failure will result in a

6 recommendation that defendant Malle be dismissed pursuant to Rule 4(m).

7
8 Dated: August 9, 2023.


9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GOSZTYLA,

No. 2:22-cv-01276-KJM-EFB (PC)

Plaintiff,

V.

AULD, et al.,

Defendants.

**NOTICE OF SUBMISSION OF
DOCUMENTS**

Plaintiff hereby submits the following documents in compliance with the court's order filed _____:

1

completed USM-285 form

DATED:

Plaintiff